

REMARKS/ARGUMENTS

This communication is in response to the Final Office Action dated November 12, 2009, and is filed with a Request for Continued Examination (RCE) under 37 CFR 1.114. Claims 4-11, 13-15, 17, 18 and 20-28 are pending in this application, with claims 20 and 25 being the only independent claims. Claims 26 and 27 have been canceled, without prejudice. Claims 20, 21, and 25 have been amended. New claims 29-36 have been added. The new claims are supported in paragraphs [0044], [0063] and [0066] of the original specification. No new matter has been introduced. Claims 4-11, 13-15, 17, 18 and 20-25, and 28-36 remain in the application. Reconsideration in view of the amendments to the claims and arguments presented below is requested.

Claim Rejections - 35 USC § 112

Claims 4-11, 20, 22, and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

This rejection has been addressed by canceling claim 26 and amending claims 20 and 25. Withdrawal of this rejection is respectfully requested.

Prior Art Claim Rejections

Claims 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bihusch (DE 410015) in view of Gaultier (US Patent 5,543,592).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bihusch in view of Kishi (US Patent 5,903,229) and Sin (US Patent 5,939,684).

Claims 25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazaki (JP 07-107574) in view of Bihusch.

Claims 4, 5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bihusch in view of Gaultier, as applied to claim 20 above, and further in view of Kishi.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bihusch in

view of Gaultier and Kishi as applied to claim 4 above, and further in view of Sin.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bihusch in view of Gaultier and Kishi, as applied to claim 4 above, and further in view of Lee (US Patent 6,804,027).

Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bihusch in view of Gaultier, as applied to claim 20 above, and further in view of Nuovo, US Design D 490,405 S.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazaki in view of Bihusch as applied to claim 25 above, and further in view of Yamazaki (US Patent 5,815,139).

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazaki in view of Bihusch, as applied to claim 25 above, and further in view of Tamagawa (US Patent 6,603,708).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazaki in view of Bihusch and Yamazaki, as applied to claim 13 above, and further in view of Tamagawa.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazaki in view of Bihusch and Yamazaki, as applied to claim 13 above, and further in view of Goren, US Patent 7,190,351.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazaki in view of Bihusch as applied to claim 25 above, and further in view of Cheng (US Patent 6,809,275). This rejection has become moot due to cancellation of claim 26.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazaki in view of Bihusch as applied to claim 25 above, and further in view of Gaultier. This rejection has become moot due to cancellation of claim 27.

Applicants respectfully traverse the outstanding rejections for at least the reasons

presented below.

Independent Claim 20

Claim 20, as amended herein, recites “a disc-shaped control element (11) having a circular upper surface (20) and an opposing circular underside (16), with the circular upper surface (20) and the underside (16) being substantially flat and parallel to one another and unsupported in a region of a center axis.” In addition, amended claim 20 also discloses as another limitation “a plurality of springs (17) positioned between the application casing (15) and the underside (16) of the disc-shaped the disc-shaped control element (11).” Amended claim 20 further recites “a sensor (18) connected to the underside (16).”

These features imply that nothing projects downward from the underside, which is different from the embodiment shown as Nr. 2 in Bihush which depicts a central support. The numbers in Bihush refer to the claims. Accordingly, in this embodiment (Nr. 2) Bihush, the underside (16) is not substantially flat and is also supported in a region of the center axis. Likewise, the embodiments relating to claims 7 and 8 (Nr. 7 and Nr. 8, respectively) also show undersides that are not substantially flat, as required by amended claim 20. More particularly, there is no teaching or suggestion in Bihush to combine a plurality of springs (17) with a substantially flat underside (16) and without a support in a region of the center axis.

Gaultier shows in FIG. 6 a disk 8 that is supported in the region of the center axis, like Bihush's embodiment Nr. 2. Accordingly, Bihush and Gaultier, taken alone or in combination, also fail to teach or suggest all the features of amended claim 20. Claim 20, as amended herein, is therefore patentable over Bihush and Gaultier, and withdrawal of the rejection of claim 20 is respectfully requested.

Independent Claim 25

Miyazaki et al., as best understood, interpolates a position of an activation force representative of a tilt from signals received from 4 resistive pressure-sensitive sensors. However, Miyazaki only discloses actuation a sensor, but fails to teach or suggest measuring

an activation force with a precision of at least two different levels, as now recited in amended claim 25. Miyazaki does not specifically teach providing a plurality of springs positioned between the application casing and the underside of the disc-shaped control element and arranged coaxially around and radially spaced from a center axis of the disc-shaped control element. Miyazaki also does not teach other features of the control element recited in amended claim 25.

Accordingly, Miyazaki and Bihush, taken alone or in combination, fail to teach or suggest all the features of amended claim 25. Claim 25, as amended herein, is therefore patentable over Miyazaki and Bihush, and withdrawal of the rejection of claim 25 is respectfully requested.

Regarding the rejected dependent claims, Applicant has carefully reviewed the other cited patent documents Kishi (US Patent 5,903,229), Sin (US Patent 5,939,684), Nuovo, US Design D 490,405, Yamazaki (US Patent 5,815,139), Tamagawa (US Patent 6,603,708), Goren (US Patent 7,190,351), and Cheng (US Patent 6,809,275) and did not find therein the features which are missing from the patent documents Bihush, Miyazaki and Gaultier discussed *supra* in conjunction with the rejection of the independent claims 20 and 25.

Accordingly, the retained dependent claims 4-11, 13-15, 17, 18 and 21-24, and 28-36, which depend from claims 20 and 25, respectively, are patentable for at least the reasons that claims 20 and 25 are patentable. Withdrawal of all prior art rejections and allowance of all pending claims is therefore respectfully solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

NORRIS McLAUGHLIN & MARCUS, P.A.

By /Christa Hildebrand/

Christa Hildebrand
Reg. No. 34,953
875 Third Avenue, 8th Floor
New York, New York 10022
Phone: (212) 808-0700
Fax: (212) 808-0844